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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,004	08/26/2003	Martin Lund	14223US02	3309
23446 7590 09/10/2008 MCANDREWS HELD & MALLOY, LTD 500 WEST MADISON STREET SUITE 3400 CHICAGO, IL 60661				
EXAMINER				
PATEL, CHURAG R				
ART UNIT		PAPER NUMBER		
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09/10/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/648,004

Applicant(s)

LUND, MARTIN

Examiner

CHIRAG R. PATEL

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Response to Arguments

Applicant's arguments, see pre-appeal filed July 2, 2008, with respect to the rejection(s) of claim(s) 1-30 under 35 USC 102 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Rietze et al. (US 6,904,482) and Abbodanzio et al. (US 2003/0188222).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 7-15, 17-25, and 27-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Rietze et al. - hereinafter Rietze (US 6,904,482).

As per claims 1, 11, and 21 Rietze discloses a method for communicating information in a server, the method comprising:

receiving at least one packet from a first blade server of a plurality of blade servers, at least two of which is coupled to a common switch via a common bus (Col 3 lines 24-39)

determining at least one identifier associated with at least a second blade server based on at least a portion of said received at least one packet; and (Col 7 lines 30-36)

routing via a common switch, at least a portion of said at least one received packet to at least said second blade server. (Col 3 lines 48-67)

As per claims 2, 12, and 22, Rietze discloses the method according to claim 1, comprising transferring said at least a portion of said at least one received packet to said at least said second blade server via said common switch. (Col 3 lines 48-67)

As per claims 3, 13, and 23, Rietze discloses the method according to claim 1, wherein said common switch comprises a switch blade coupled to said common bus, and wherein said switch blade controls said routing of said at least a portion of said received packet. (Col 3 lines 48-67, Col 7 lines 30-36)

As per claims 4, 14, and 24, Rietze discloses the method according to claim 3, further comprising determining at least one identifier of said switch blade. (Col 7 lines 30-36)

As per claims 5, 15, and 25, Rietze discloses the method according to claim 4, further comprising determining at least one identifier of said first blade server. (Col 7 lines 30-36)

As per claims 7, 17, and 27, Rietze discloses the method according to claim 1, comprising: acquiring at least one identifier of said first blade server; and transferring via said common switch, said acquired at least one identifier of said first blade server to at least said second blade server. (Col 3 lines 48-67, Col 7 lines 30-36)

As per claims 8, 18, and 28, Rietze discloses the method according to claim 1, comprising broadcasting at least a portion of said at least one received packet on said common switch. (Col 3 lines 48-67, Col 7 lines 30-36)

As per claims 9, 19, and 29, Rietze discloses the method according to claim 1, comprising receiving a broadcast containing said at least one received packet. (Col 7 lines 30-36)

As per claims 10, 20, and 30, Rietze discloses the method according to claim 1, comprising receiving at least one packet from said second blade server and transferring via a common switch, said at least at portion of said at least one packet received from

said second blade server to at least one of said first blade server and a third blade server. (Col 3 lines 11-23, supports more than 2 server blades)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 16, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rietze (US 6,904,482) in view of Abbodanzio et al. hereinafter Abbodanizo (US 2003/0188222).

As per claims 6, 16, and 26, Rietze discloses the method according to claim 5, wherein said identifier of said first blade server, said identifier of said second blade server and said identifier of said switch blade each comprises one or more MAC address. (Col 3 lines 30-36) Rietze fails to disclose said switch blade each comprises an IP address. Abbodanizo discloses said switch blade comprises an IP address.

([0023]) At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to disclose said switch blade comprises an IP address in the disclosure of Rietze. The motivation for doing so would have been to implement a Local area network (LAN). ([0023])

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chirag R Patel whose telephone number is (571)272-7966. The examiner can normally be reached on Monday to Friday from 7:30AM to 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia, can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pairedirect.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

/C. R. P./
Examiner, Art Unit 2141

/Jason D Cardone/
Supervisory Patent Examiner, Art Unit 2145